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**APR 17 2006**

**UTAH STATE  
INSURANCE DEPT.**

Kendall S. Peterson, Utah Bar No. 4389  
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9 Exchange Place  
Salt Lake City, Utah 84111  
Telephone: (801) 364-4040  
Facsimile: (801) 364-4060

Attorneys for Plaintiff

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**BEFORE THE INSURANCE COMMISSION  
OF THE STATE OF UTAH**

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT,

vs.

**RESPONDENT,**

FIRST SOUTHWESTERN TITLE AGENCY  
OF UTAH, INC.

102 West 500 South, Suite 30  
Salt Lake City, Utah 84101  
License No. 6033

**MOTION TO CONTINUE HEARING IN  
FORMAL ADJUDICATIVE  
PROCEEDING AND STIPULATION**

Docket No. 2006-011 PC

Enf. Case No. 1658

Administrative Law Judge  
Mark E. Kleinfield

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Respondent, First Southwestern Title Agency of Utah, Inc. ("First Southwestern"), by and through counsel, Kendall S. Peterson, hereby requests that the hearing scheduled for April 26, 2006, in the above entitled matter be continued. The basis for the request of continuance is as follows:

1. **Counsel's scheduling conflicts.** Counsel for Respondent currently is engaged in various litigation matters, most notably In Re: *The Matter of Aspen Baldwin* in the Third Judicial Juvenile Court, in and for Salt Lake County, State of Utah; Case No. 464650 (the "Juvenile Case"). At the time of the Pre-hearing Conference on March 27, 2006, counsel for Respondent raised concerns about the Juvenile Case. The Juvenile Case was originally scheduled for a three day hearing of March 22 through March 24, 2006. When Petitioner was unable to complete her case within the allotted time frame, the Juvenile Court scheduled additional hearing dates for April 4, 2006, April 5, 2006, April 13, 2006, April 14, 2006, and April 17, 2006. At this juncture, it appears that Petitioner will not complete her case until April 17, 2006. Accordingly, additional days yet unscheduled will have to be committed to complete the hearing in the Juvenile Case. Logistical concerns in the Juvenile Case make it imperative to schedule hearing time necessary to conclude the case as soon as possible. Respondent is a California resident. Respondent's witnesses are spread between Utah, Idaho and New Mexico. Accordingly, the continuation of the Juvenile Case hearing will undoubtedly conflict with the scheduled hearing date of April 26, 2006.

2. **Preparation time.** The schedule in the present case allowed thirty (30) days for the parties to propound discovery, answer discovery requests, interview or depose witnesses, stipulate to the facts of the case if possible and prepare for the hearing. Given the fact that the Juvenile Court case has become protracted, counsel for Respondent has been unable to perform the work necessary to prepare for the hearing. Moreover, additional hearing days in the

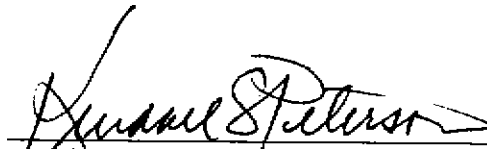
Juvenile Court case which are anticipated to be scheduled prior to April 26, 2006, will make it impossible for counsel to prepare Respondent's case prior to the scheduled hearing date.

3. **A continuance will not prejudice the parties.** The hearing in this matter has not previously been continued. The Complaint in the matter was filed on or about February 13, 2006. The Answer was filed on or about March 15, 2006. Accordingly, this matter is relatively new and has not been allowed to languish. Additionally, the facts of this case are, to a large extent, not in dispute. Accordingly, an expedited hearing is not necessary in this case to avoid the memory and recollection of the witnesses becoming stale or otherwise being lost. A reasonable continuance will not prejudice either party and should increase the efficiency of the hearing if the parties have an opportunity to agree on stipulated facts.

Base on the foregoing, Respondent respectfully requests a continuance of the trial date scheduled in the above entitled matter and the interim deadlines scheduled in this matter.

DATED this 11<sup>th</sup> day of April, 2006.

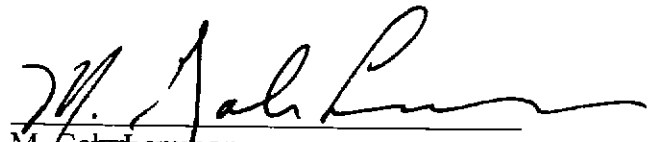
PETERSON REED WARLAUMONT & STOUT



Kendall S. Peterson  
Attorney for Respondent

STIPULATION

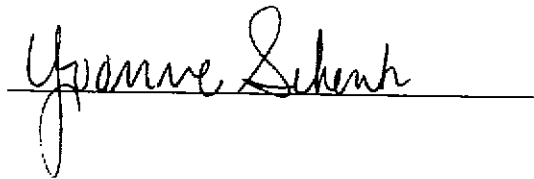
I, M. Gale Lemmon, Assistant Attorney General, State of Utah, hereby stipulate to the continuance requested by counsel for Respondent for the specified reasons.

  
M. Gale Lemmon

CERTIFICATE OF MAILING

I hereby certify that on this 11<sup>th</sup> day of April, 2006, I caused a true and correct copy of the foregoing MOTION TO CONTINUE HEARING IN FORMAL ADJUDICATIVE PROCEEDING AND STIPULATION to be faxed and mailed, pre-postage paid to the following:

M. Gale Lemmon  
Assistant Attorney General  
Mark L. Shurtleff  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114-6901



Kendall S. Peterson, Utah Bar No. 4389  
**PETERSON REED WARLAUMONT & STOUT**  
800 Boston Building  
9 Exchange Place  
Salt Lake City, Utah 84111  
Telephone: (801) 364-4040  
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Attorneys for Plaintiff

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BEFORE THE INSURANCE COMMISSION  
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102 West 500 South, Suite 30  
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**ORDER TO CONTINUE HEARING IN  
FORMAL ADJUDICATIVE  
PROCEEDING**

Docket No. 2006-011 PC

Enf. Case No. 1658

Administrative Law Judge  
Mark E. Kleinfeld


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Based on Respondent's Motion for Continuance and the stipulation of counsel for the Complainant;

IT IS HEREBY ORDERED that the hearing in this matter scheduled for April 26, 2006, and the interim orders relating thereto are hereby continued.

IT IS FURTHER ORDERED that counsel for the parties shall participate in a telephonic conference on April 20, 2006, at 9:00 a.m./p.m. to reschedule the hearing and other interim deadlines.

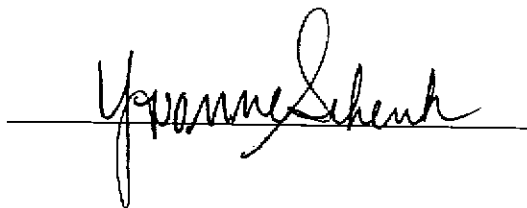
DATED this 17<sup>th</sup> of April, 2006.

  
Mark E. Kleinfield  
Administrative Law Judge  
Utah Insurance Department

CERTIFICATE OF MAILING

I hereby certify that on this 11<sup>th</sup> day of April, 2006, I caused a true and correct copy of the foregoing ORDER TO CONTINUE HEARING IN FORMAL JUDICATIVE PROCEEDING to be faxed and mailed, pre-postage paid to the following:

Gale M. Lemmon  
Assistant Attorney General  
Mark L. Shurtleff  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114-6901



CERTIFICATE OF MAILING

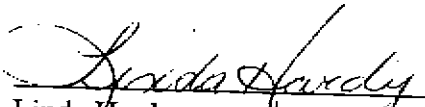
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

**ORDER TO CONTINUE HEARING IN FORMAL  
ADJUDICATIVE PROCEEDING  
&  
MOTION TO CONTINUE HEARING IN FORMAL  
ADJUDICATIVE PROCEEDING AND STIPULATION**

To the following:

**FIRST SOUTHWESTERN TITLE AGENCY OF UTAH, INC.  
102 WEST 500 SOUTH, SUITE 30  
SALT LAKE CITY, UTAH 84101**

DATED this 17<sup>th</sup> day of April, 2006

  
Linda Hardy Insurance Technician  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901  
(801) 538-3813